

## Public to Get Jury Record in L. R. T. Inquiry

Justice Weeks Authorizes Part of Minutes Referring to Hylan's Charge of Traction Strike Plot Published

Rebukes Swann Assistant

Talley Seeks to Suppress Dismissed Case and Is Told Not to Make 'Speech'

Supreme Court Justice Bartow S. Weeks authorized yesterday the publication of that part of the minutes of the extraordinary grand jury concerning the charges made by Mayor Hylan that officials of the Interborough Rapid Transit Company had conspired with employees to bring about the subway strike. The charge was dismissed Wednesday. The minutes will be made public to-day. Justice Weeks's decision was made over the opposition of Attorney, who argued last week that none of the minutes should be made public unless the ruling extended to all cases other than criminal anarchy cases.

Mr. Talley, who was cut short in court yesterday in the midst of what Justice Weeks characterized as a "speech," gave out a statement later, in which he asserted that the minutes to be published showed that there was no "overshadowing crime." Any evidence relating to the "overshadowing crime," he declared, would be connected with the investigation into the alleged traction conspiracy.

No Evidence, Says Talley

"The minutes contain not one scintilla of evidence," declared Mr. Talley, "to justify the charge made by Mr. Almiral (grand jury foreman) that there was an 'overshadowing crime.' There is not a line of evidence to justify his charges of official misconduct on the part of any public official."

Although Justice Weeks said in his decision that all the evidence relating to Mayor Hylan's charge of conspiracy was to be made public, he made it clear that evidence concerning various other matters, even the conspiracy of the District Attorney's staff, would be withheld because investigation along those lines still was proceeding.

There are now pending before the grand jury, he said, a number of other proceedings which are uncompleted, and at least one of which is directed against a member of the staff of the District Attorney's office.

"Certain letters" referred to in the minutes dealing with the alleged conspiracy also would be withheld, Justice Weeks said, as they formed the basis of a separate investigation.

Alleged Stock Deals the Basis

Mr. Talley said in his statement: "It appears by the opinion of Mr. Justice Weeks that the basis of the charge of the overshadowing crime was two anonymous letters—one received by Mr. Almiral—and one by Mr. Almiral—relating to short selling of traction stocks by undisclosed persons."

Reference to this was made by Mr. Talley last week in his argument opposing the application to reveal the evidence taken by the grand jury—an argument for which he was severely criticized yesterday by Justice Weeks. Mr. Talley declared that Justice Weeks had assigned Assistant District Attorney McQuaid to hunt down evidence of the alleged short selling and had ordered Mr. McQuaid not to tell the District Attorney anything about his quest.

This was denied by Justice Weeks, who declared in his opinion yesterday that he had shown the anonymous letter to the District Attorney Swann; that the matter was brought to the attention of the grand jury by the District Attorney, and that Mr. McQuaid, a member of the District Attorney's staff, was assigned to the inquiry. "In the course of which the court never had any reason to believe that the District Attorney was not kept fully advised of the purpose of the investigation being made by his own assistant."

Court Rebukes Official

"In granting this application," said Justice Weeks, "the court feels that it is its duty to record its official disapproval of the conduct and language of the Assistant District Attorney upon the argument. The only reason he was permitted to conclude such an argument and to file the affidavits in the form in which they were presented, containing matter so manifestly irrelevant as to indicate an ulterior purpose wholly foreign to the proper one of assisting the court in the disposition of the application, was to avoid the possibility of any suggestion that the power of the court would be used to prevent a full presentation of anything

that the District Attorney, as an officer of the court, desired to submit."

Mr. Talley, after hastily reading the opinion of Justice Weeks in the courtroom, jumped to his feet and said that when Mr. Almiral declared that "the traction inquiry might lead into 'the municipal offices of the city and also the offices of the District Attorney' he already had been sworn in as foreman of the grand jury. Mr. Talley paused for breath, and Justice Weeks cut in with:

"I told you, Mr. Talley, when you rose to speak that you ought to make motions that you desired to. I do not want to have you make a speech."

"I do not make speeches in court, your honor," said Mr. Talley.

"I used the word 'speech' advisedly," returned Justice Weeks.

Mr. Talley declared in the statement he gave out later that the evidence referred to "always before 'municipal offices of the city and also the offices of the District Attorney' B. Means case, in which Assistant District Attorney John T. Dooling acted as special prosecutor.

## Monkeys in Pulpit Used To Assail Darwin Theory

Boys Tossing Peanuts Excite Minister's Illustrations for "Evolution" Sermon

KANSAS CITY, Jan. 19.—To emphasize his sermon on "Evolution and Man," the Rev. Dr. Small took into his pulpit at the Hyde Park Christian Church last night three monkeys.

"Jaquo," the bicycle-riding ape of a circus now here, immediately sensed the fact that the carnival season was over, and, being the leader of the trio in the cage, demonstrated his resentment by fantastic maneuvers, much to the merriment of the congregation.

When several small boys in front rows threw peanuts at the animals they became enraged and made threats through the wires. It was a splendid example for Dr. Small, who was arguing that Darwin was all wrong.

He said monkeys were firm believers in monogamy, declaring they stick to their mates as long as they live. When their mates die, he said, they seek another, "always before 'marriage,'" he said, "the male whips the female and forever after the male is master of his household." He said he believed in a "careful illustration of the point he wanted to make; that men did not come from monkeys."

Goes to Prison Fearing Comrade He Sent There

Rafaelo Danielo, a Brooklyn gunman who shot George Bues, of Hoboken, last summer, was taken to the State Prison in Sing Sing yesterday quaking with fear. Judge McDermott, of the Kings County Court, had denied his plea not to send him to the prison where Alessandro Vollerio, his former gang leader, who was convicted on his testimony, is serving a life sentence.

"Vollerio has vengeance on his heart," pleaded Danielo, who has been known as "Ralph the Barber" in social circles of the gunmen, "and if you send me to the place where he is I'll never come out alive."

Judge McDermott ordered him incarcerated in Sing Sing for five years, with a provision that he should pass a day there for every dollar he failed to pay of a \$1,000 fine which was also imposed.

Vollerio was leader of a band of gunmen who were declared to have committed twenty murders in Brooklyn and to have held the Italian quarter in a state of terror. Danielo was arrested with him in connection with a murder two years ago, and to save himself from a life sentence, whereupon Vollerio, put away for life, vowed to "get even."

Danielo, fearing violence at the hands of some of the old band, carried a revolver, and shot Bues three times when the latter protested against his thrusting the little girl aside in a scramble for seats on a crowded Coney Island train. He pleaded guilty of felonious assault.

German Workers Vote With Company Directors

BERLIN, Jan. 19 (By The Associated Press).—The shop councils bill, otherwise known as the "exploitation law," one of the most radical pieces of economic legislation since the war, and which was passed by the National Assembly yesterday, affects all places where more than five men or women are employed, excepting newspapers, in which business the councils are not permitted to dictate.

The five or more employees elect a steward, who will confer with the employer on the relations with the workers, and the general conduct of the business. The number of stewards varies proportionately to the size of the staff, whose representatives now will be given the privilege of attending directors' meetings, where they will be active voters although not shareholders.

A foreman or department chief may be forced to quit, regardless of his services to his employer. This feature was stubbornly fought by the big business interests. One of the last modifications of the bill prohibits an employer from discharging a woman and substituting a male employee for reason of sex alone.

## Liquor Worth 10 Millions Seized Here

Continued from page 1

State Director of Prohibition, Mr. Quigley also attended the conference, which was held in the Custom House. They discussed with amazement the type of men applying for this position as prohibition agents for this division, which includes New York City, Long Island, Rhode Island and Connecticut. The positions pay \$1,500 a year and temporarily a bonus of \$240 a year. When the agents are sent away from the town in which they are allowed \$5 a day for expenses.

It wasn't very long ago that the ash wagon drivers of Newark struck for \$10 a day and the officials were alarmed about the class of applicants for jobs paying \$145 a month. There have been 750 applicants so far and 75 per cent of those were former service men, many of whom had held commissions in the army or navy. There were many graduates of colleges and altogether the 750 were a well clad, impressive looking crowd. Forty men had been selected last night and will in the next two or three days the full force of 160 will have been appointed. A number of the applicants were men experienced as detectives.

Before Mr. Shevlin left his office last night he issued a warning that saloonkeepers, in addition to all the other things they have been told about, must take down signs about their establishments which advertise liquor or beer. This means the back goat. Mr. Shevlin said:

"If we find that saloons continue to display liquor signs and that the proprietors are making no effort to get them down, these saloons men will be placed under arrest."

## Fraud Is Charged In Whisky Sale

Officers of Distilling Firm Accused of Dodging Legal Tax; Plant Seized

LOUISVILLE, Jan. 19.—R. E. Wathen, president, and William Knebelkamp, general manager, of R. F. Wathen & Co., Louisville distillers, surrendered to Federal authorities late to-day on warrants charging them with attempting to defraud the government out of \$2,200 on distilled spirits. Both men pleaded not guilty and were released on \$2,000 bond for preliminary trial next week.

The affidavits on which the warrants were based charge that Wathen, as principal, and Knebelkamp, as accessory, illegally removed 8,000 cases of bottled-in-bond whisky, tax paid at the rate of \$2.20 a gallon for medicinal use, but sold it for beverage purposes, which requires an additional tax of \$4.20 a gallon.

The alleged illegal removal of the whisky and evasion of tax, the government asserts, took place during the first fifteen days of this month. The affidavits recite that it was taken from an export bonded warehouse and removed to a free warehouse, where it was stored until it was offered for sale, according to the government's allegation, at \$130 a case.

Knebelkamp is charged with three violations of the war-time prohibition law, involving the sale of 310 cases of bottled goods. Wathen also is accused of selling liquor without a license.

## "Anti-Dry" Association Asks Court for Hearing

Seeks to Intervene as Friend When Rhode Island Test Case Argument Is Made

The Association Opposed to National Prohibition announced in a statement issued last night that it would ask leave to take part in the argument in the so-called Rhode Island case before the United States Supreme Court. The statement said:

"Since constitutional prohibition became a national issue the greatest victory won by the anti-prohibitionists was at the election last November, when prohibition was an issue in seven states and was repudiated in six. That was the first time the voters of this country had an opportunity to express their opinion of the principle involved in constitutional prohibition. Next to the victory at the polls in November, the greatest anti-prohibition victory came yesterday, when the United States Supreme Court decided to hear all of

the objections against the Eighteenth Amendment raised by the sovereign State of Rhode Island.

"Now that our highest court has decided to hear the Rhode Island case on its merits, the Association Opposed to National Prohibition will ask leave to intervene, as a friend of the court, to file a brief and ask permission to make oral argument therefrom. The association does not believe that it will be stopped from taking such action by a possible motion of the government to dismiss the Rhode Island case. The principle involved in constitutional prohibition has so much to do with the very endurance of republican institutions that it is not conceivable that the United States Supreme Court, on any motion to dismiss the Rhode Island case, will make a ruling that will preclude the fullest and broadest discussion of the entire question."

## League Will Fight To Keep Congress 'Dry'

Anti-Saloon Leader Says the First Objective Will Be the Defeat of Senator Wadsworth

Keeping the nation dry by means of a "dry" Congress is the future purpose of the Anti-Saloon League.

Such is the announcement of William H. Anderson, state superintendent of that body, as made in an address before a meeting of Protestant ministers in the auditorium of the Metropolitan Life Insurance Building yesterday. Mr. Anderson took pains to declare that the "drys" would carry out the threatened crusade against coffee and tea drinkers.

The first object of the league's attack, according to Mr. Anderson, will be to defeat Senator James W. Wadsworth. He said that the league would break with the Republican party if necessary in order to prevent the return of Senator Wadsworth to Congress.

"The real prohibition fight is just starting," warned Mr. Anderson. "The quip of the humorous weekly last night that the prohibitionists have merely won admission to a free fight" was true. The liquor traffic will get no salvation from the courts. It cannot accept the amendment or invalidate it in any way. It cannot pass any state nullification law which will stand.

"But there is a way in which the liquor interests can defeat prohibition and they know it. It is this: They can repeal or mutilate the Federal prohibition enforcement law to such an extent as to bring about nullification under the guise and in the form of law, without having to submit it to the states for ratification. It is by a bare majority vote of Congress."

"The prohibition amendment will be inoperative in states like New York without a Federal enforcement law, because there is no hope of a state enforcement law in a formerly 'wet' state like New York if the Congress, representing also the 'dry' states, does not act. If Congress can pass a law defining as intoxicating for enforcement purposes anything with more than one-half of 1 per cent of alcohol another Congress can change the percentage."

Of course the Supreme Court would declare invalid even an act of Congress which obviously nullified instead of enforced the amendment, but the Supreme Court probably would not upset an act of Congress which put the limit within debatable ground. A wet Congress could, and undoubtedly would, pass a law which would make it possible to bring back the saloons, re-establish the liquor system and make enforcement impossible by requiring a chemical analysis in connection with the trial with respect to every alleged illegal sale."

## Policeman Takes Stand In Trial of Companion

Says Patrolman Crouse Was Leader in Robbery of Fur Store

Patrolman Herman Crouse, who was put on trial as a burglar yesterday in the Brooklyn Supreme Court, started in surprise on seeing Patrolman Peter Rueger, who is under indictment in connection with the same burglary, take the witness stand against him.

The patrolmen, formerly attached to the Atlantic Avenue police station, Brooklyn, are accused of helping three other men who are now arrested, bind and gag the watchman of a fur store at 715 Herkimer Street, Brooklyn, and steal \$15,000 worth of furs.

Rueger testified yesterday that Crouse was the moving spirit in the fur burglary and had talked it over with him "twenty times" at night when they patrolled adjoining posts. "He said if we crashed the place we could pick up a good piece of money," said Rueger.

The details of the burglary were related by Rueger with the utmost coolness. He said that he acted as lookout and got \$300 as his share of the proceeds of the sale. The furs were sold for \$4,000, he said, and he thought he ought to get \$500.

## Supreme Court Permits Test Of "Dry" Law

Highest Tribunal Will Pass on Constitutionality of Eighteenth Amendment on Rhode Island Plea

Volstead Act Included

State Charges Its Police Powers and 5th Amendment Have Been Violated

WASHINGTON, Jan. 19.—The Supreme Court to-day decided to pass on the validity of both the Federal prohibition amendment, which became operative last Saturday, and the act of Congress prescribing the manner of its enforcement.

The court's decision will be rendered on proceedings which are to be instituted by the State of Rhode Island, which was given permission to-day to bring an original suit.

The permission was granted by Chief Justice White, without comment or without fixing any time for hearing arguments in the case.

Violates Fifth Amendment

Motions to bring the suit were filed by Attorney General Rice of Rhode Island in response to a resolution adopted by the state legislature authorizing him to take steps to test the validity not only of the amendment but also of the enforcement act.

In briefs filed in support of the motion Rhode Island authorities questioned the validity of the ratification of the amendment and alleged that the amendment was an interference with the state police powers and a violation of the Fifth Constitutional Amendment. They also alleged that the amendment was "usurpatory, unconstitutional and void."

Rhode Island was one of the states that refused to ratify the amendment. After the granting of the motion, Solicitor General King announced that he would prepare at once and file with the court a motion asking for the dismissal of the case for lack of jurisdiction. Under the court's rules this motion can be argued, so that it is possible for the court to expedite the entire proceedings by passing upon the merits of the case in deciding this motion.

Ohio Referendum Fought

The State of Ohio to-day asked the Supreme Court to expedite consideration of appeals brought by George S. Hawke, an attorney of Cincinnati, to determine the validity of the Ohio constitutional referendum amendment.

The question was involved in two proceedings instituted to enjoin state officials from submitting the Federal prohibition and suffrage amendments to a referendum vote last November on the ground that the referendum amendment was invalid. The trial court held that the state amendment was constitutional and it was upheld by the State Supreme Court.

## Protest Made Over Sale Of Ship Board Barges

Brokers Allege Their Bids Were Not Considered for Two of 23 Craft

Smith & Terry, Inc., shipping brokers, 11 Broadway, entered a protest yesterday against the sale by the United States Shipping Board of twenty-eight barges, valued at \$208,000 each, to the Southern Transportation Company for \$62,000 each. The sale took place at Washington Saturday.

The protest, according to Edwin Smith, president of the corporation, is based on the ground that bids were asked for any or all of the ships and that the Smith & Terry bid for two of them was not considered.

"These ships," said Mr. Smith, "are the same ones which were sold about six weeks ago to a Baltimore banker for \$54,350 each. That sale, however, caused so much criticism that the board called it off."

"On January 6 we received a notice from Washington that they would be sold again on the 17th, and we forwarded our bid for two of the barges at \$62,000 each. On the 16th we learned that the board had changed its mind and would auction the fleet the next day to the highest bidder. I at-

Shall the East River be the dividing line for Jewish Charity or shall Justice Prevail?

The

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will open its

## 1920 Million Dollar ANNUAL Income "Get And Give" Campaign

with a Dinner, Concert and Ball at the Hotel Pennsylvania, Manhattan, on the evening of January 31st, the campaign to extend over a period of six weeks.

It will also be a campaign for a 100% Brooklyn Federation and the degree of success with which the efforts of the Committee meet shall determine whether every worthy Jewish Charity in Brooklyn not now in Federation will be invited into the Federation and to participate in its benefits.

The Slogan Will Be  
"ONE FOR ALL AND ALL FOR ONE"

Every Jew doing business in Manhattan and residing in Brooklyn is strongly urged to give largely to Brooklyn, and every person with factory and business interests in Brooklyn, even if residing elsewhere, is requested to consider the claims and the needs of Brooklyn. With a poor Jewish population equal in size to that of Manhattan, with a very few really wealthy men, Brooklyn is compelled to seek its greatest support from its own residents having Manhattan business interests.

To have the opportunity of meeting them through trades, luncheons, meetings, etc., the headquarters for this Campaign will be located at the Hotel Pennsylvania, which is so accessible to Brooklyn men.

I have accepted the Chairmanship of this Campaign in the endeavor to secure justice for Brooklyn's Jewish Charities and I need and expect to have the active co-operation and support of every Brooklyn Jew.

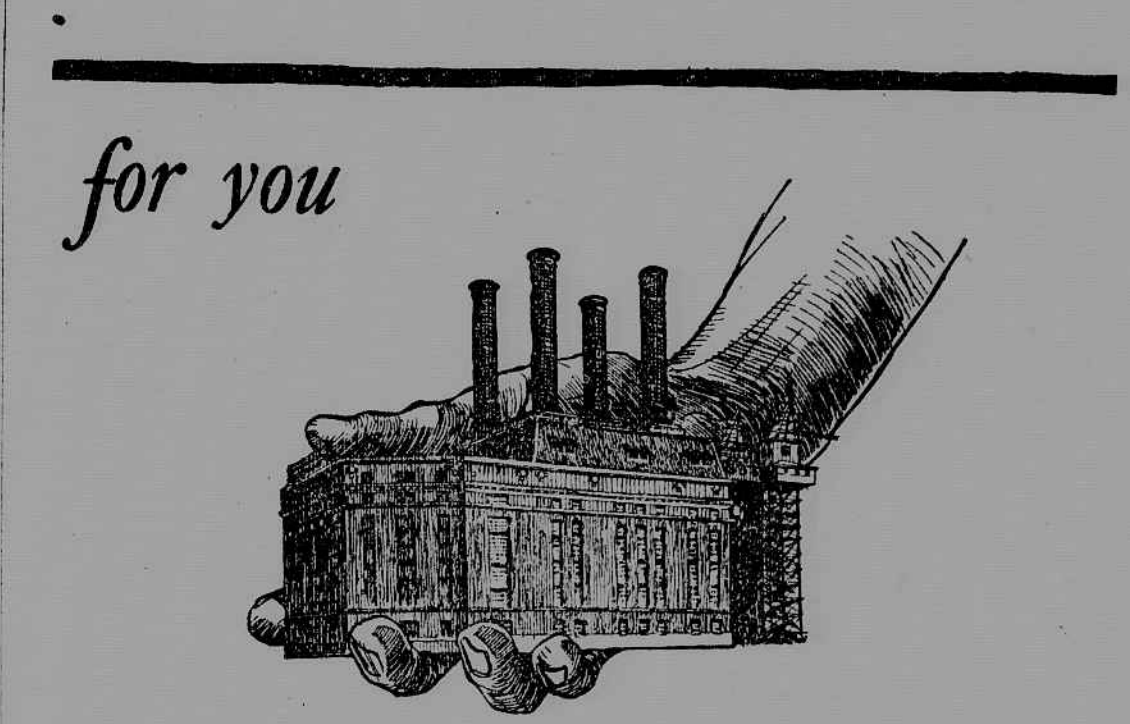
Nathan S. Jonas, Chairman

### 1920 Million Dollar Annual Income Campaign Brooklyn Federation of Jewish Charities

The Dinner and Luncheons and this Advertisement are being paid for by private subscriptions and not from Federation funds.

tended the sale, but was unable to purchase the entire fleet on such short notice.

"We feel that we have been unfairly treated, and are confident that the Shipping Board, in its anxiety to get rid of the fleet, lost sight of its requirements, as well as the value of the boats, because if the sale had generally been known and proper time allowed the barges would have brought at least \$75,000 each."



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